

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TERESA E. DEAN, *individually, and as
parent and natural guardian for J.D.J.*,

Plaintiff,

v.

ORDER
07-CV-94S

SCHOOL DISTRICT OF THE CITY OF
NIAGARA FALLS, NY, ET AL.,

Defendants.

1. On April 21, 2010, Plaintiff filed a Motion to Seal the Proposed Settlement and a Motion to Approve the Settlement (Docket Nos. 58 and 59), seeking approval of a settlement agreement made on an infant's behalf.

2. An action by or on behalf of an infant may not be settled or dismissed without leave of this Court. The procedures for obtaining such leave are set forth in Rule 41.1(b) of the Local Rules of Civil Procedure for the Western District of New York, which in turn incorporates the applicable provisions of New York's Civil Practice Law and Rules ("CPLR").

3. Pursuant to those provisions, this Court finds that: (1) Plaintiff has demonstrated good cause to excuse the appearance of the infant; (2) neither a hearing nor the appearance of the infant is necessary to resolve the instant motion; (3) the payment of reasonable attorney's fees and disbursements as set forth in the supporting affirmations is approved pursuant to Local Rule 41.1(b)(3); (4) the distribution of the settlement moneys is in conformity with Local Rule 41.1(b)(4) and N.Y. C.P.L.R. § 1206; and (5) the infant settlement and distribution of the settlement moneys is in the best interests of the infant.

IT HEREBY IS ORDERED, that Plaintiff's Motion to File the Settlement Agreement under seal (Docket No. 58) is GRANTED.

FURTHER, that Plaintiff's Motion to Approve the Settlement Agreement (Docket No. 59) is GRANTED.

FURTHER, that the terms of the settlement agreement are APPROVED.

FURTHER, that Teresa E. Dean, the infant's mother, is authorized to settle this action on behalf of the infant.

FURTHER, that the portion of the settlement agreed upon for Teresa E. Dean is reasonable and shall be distributed in accordance with the parties' agreement.

FURTHER, that the attorney's fees and disbursements agreed upon are reasonable and shall be distributed in accordance with the parties' agreement.

FURTHER, that Defendant shall pay the balance of the settlement funds to the infant, payable to "Teresa E. Dean, as parent and natural guardian of [J.D.J.'s full name], in trust for the use and benefit of [J.D.J.'s full name]," in accordance with the parties' agreement.

FURTHER, that this matter is DISMISSED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: April 24, 2010
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court